In the High Court of Uttaranchal, at Nainital

Criminal Misc. Application No. 646 / 2006

Jaibeer Singh Rawat S/o Mohan Singh
R/o Dangwal Gaon,
Patwari Circle, Thati Badama, Tehsil
Jakholi, District Rudraprayag ----Applicant.

Versus

State of Uttarancha ---Respondent.

Sri Pankaj Purohit, learned counsel for the applicant.
Sri K.S. Rautela, leaned A.G.A. for the respondent.

Hon'ble B.C. Kandpal, J.

This petition U/S 482 Cr.P.C. has been filed by the applicant Jaibeer Singh for quashing the entire proceedings of Sessions Trial No. 09/2006, State Versus Jaibeer Singh and others U/Ss 304-B/498-A I.P.C., pending before Sessions Judge, Rudraprayag.

2- Brief facts of the case are that Smt. Geeta Devi wife of the petitioner died in the house of the petitioner under suspicious circumstances only after a period of eight months of her marriage. The allegations against the petitioner and his parents are that they used to demand the dowry from the deceased and subjected her to cruelty on account of demand of dowary.

3- The police after the investigation of the case submitted the charge sheet against the petitioner along with other co-accused persons.

4- The charges U/s 498-A and 304-B I.P.C. were framed against the petitioner along with other co-accused by the court of District and Sessions Judge, Rudraprayag vide order dated 1-6-2006.

5- The petitioner has thus challenged the impugned order dated 1-6-2006 framing the charges against the petitioner as well as the entire proceedings of S.T. No. 9/2006, State Vs. Jaibeer Singh and others.

6- Having considered the arguments advanced by the learned counsel for the applicant I do not find any abuse of process of Court in this case.

7- I am not supposed to embark upon an enquiry with regard to the credibility of the evidence which can be seen by the trial Judge only. Any judgment to be rendered by me would amount to a premature judgment where the evidence is yet to be adduced before the trial Judge.

8- The petition lacks merit and is liable to be dismissed.

9- Accordingly the petition is dismissed.

(B.C. Kandpal, J.)

Dated: 08-08-2006
ISB